

24 July 1978

MEMORANDUM FOR: Director of Central Reference
FROM : OCR Classification Task Team
SUBJECT : Impact of Executive Order (EO) 12065 on OCR

1. We have reviewed Executive Order 12065 in relation to its impact on OCR, and in some cases on NFAC. This memorandum addresses the issues in the Order that we feel need further consideration, and clarification in a CIA Implementing Directive. They are outlined below along with summaries of the pertinent sections of the Order to which they refer.

A. Section 1-4: Duration of Classification, p. 28952

1. According to paragraph 1-401, material classified under the provisions of EO 12065 will be automatically declassified six years from the date of original classification unless:

- a. It must remain classified for a longer period of time for reasons of national security or
- b. Because it was provided by a foreign government.

Information falling into categories (a) and (b) above

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require declassification review 20 and 30 years respectively after the date of original classification.

- ° Does this requirement prohibit the use of the current stamp "Declassify on Date Impossible to Determine?"
- ° Can a waiver of the requirement for automatic declassification after six years be obtained for OCR products?
- ° Does the 30-year limit on declassification review of foreign government information apply to foreign intelligence documents that have been assigned a classification life span of more than 30 years by the government of origin?

B. Section 1-5: Identification and Marking, pp. 28952-28953

1. Paragraph 1-501 lists the information that must be marked on a document at the time of original classification, namely,

- (a) the identity of the original classification authority;
- (b) the office of origin;
- (c) the date or event for declassification review;
- and
- (d) one of the three classification designations.

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- What abbreviations will be used to cite this data?
- Will the markings be preprinted and, if so, in what form?
- Will employee numbers or personal names be used?

2. Paragraph 1-502 sets forth the requirements for annotating the reason(s) and authority for classification of information beyond six years. It indicates that reason(s) for classification beyond six years must be stated "in narrative form..."

- Will OCR, NFAC or Agency standardized explanations be developed?
- What form will their narrative explanations take?

3. Paragraph 1-503 of the Executive Order specifies that administrative controls such as "Official Use Only," "Limited Official Use," etc. cannot be used to identify classified information.

- Will Intelligence Community agencies be able to continue use of internal administrative or dissemination controls and, if so, how binding will they be?

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(If controls continue to be used, those which are authorized must be cited in a CIA Implementing Directive.)

4. Paragraph 1-504 specifies that documents must be clearly marked to indicate which portion(s) [i.e., paragraph(s)] are classified and which are not.

- ° Will dissemination controls or administrative markings be included as part of the paragraph classifications?
- ° Where will the markings be placed---at the beginning or end of the paragraph?
- ° Will the markings be abbreviated and standardized in CIA or NFAC?
- ° Is it necessary to classify each paragraph of a report separately, if all of the paragraphs have the same classification?
- ° Can a waiver to paragraph classification be granted for biographic reports?

(Biographic reports are often classified because, in their entirety, they represent the US Government's official assessment of foreign officials and not because any one word, sentence or paragraph alone is classified. To require OCR analysts to judge each

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paragraph separately could lead to (1) poorly constructed reports in which the analyst attempts to put all classified information into the same paragraph(s); (2) the abandoning of ideas/judgments entirely because they fall between the classified and unclassified criteria.)

C. Section 1-6: Prohibitions, p. 28953

1. According to paragraph 1-604, references to classified reports (i.e., document titles) cannot be classified unless the references themselves warrant classification.

Issues for Consideration:

This provision could have an impact on OCR's AEGIS/RECON system if literally adhered to. We recommend that a CIA Implementing Directive specify that expansions of document titles through the addition of keywords, etc, constitute abstracts and that abstracted titles used in CIA's information processing activities must be classified (and/or controlled) at the same level as the documents themselves.

If expanded titles cannot be categorized as abstracts, then future output from AEGIS/RECON will require two listings

-- one for references which predate this order and one for

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references indexed after November 1978. A second software package would have to be maintained to handle the classification of machine listings falling into the latter category. It would have to include a field for title classification in addition to the field for overall document classification and all print formats would have to be revised accordingly.

In addition to the software issue, we feel that there is another potential impact on OCR if expanded document titles cannot be considered as abstracts that automatically carry the same classification as the document. When OCR requesters ask for unclassified AEGIS/RECON references under current procedures, only references to documents which are unclassified appear in the listing. Under the new order, an unclassified listing could contain both references to unclassified documents and unclassified titles of classified documents. In the later instance, then, further sorting of the listing would be required to determine if it contained documents with dissemination controls or classification levels for which the customer might not be cleared. This sorting procedure could be accomplished through the development of a new software package that would create a separate input field for title classification. The new

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field would then be added to AEGIS/RECON search strategies to eliminate the need to prepare either more than one listing or re-check all unclassified titles at output to see whether the documents to which they refer are classified at a different level than the titles.

On balance, it seems that little would be gained by assigning a classification to a document title that is lower than the overall classification of the document when ultimately the requester may not have the proper clearances to receive the document itself. With that reasoning, recommend that OCR not undertake any project to develop separate title classification indexing and retrieval schemes since they appear to be extremely manpower intensive and costly.

D. Section 2-3: New Material, p. 2894

1. Paragraph 2-302 could have a significant impact on the declassification date assigned to biographic reports. It specifies that "new material that derives its classification from information classified under prior Orders..." be reviewed for declassification 20 or 30 years from the date of original classification of the source material.

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° When a report is based on multiple sources that contain different dates for review for declassification, which source should take precedence in determining the date for declassification review?

E. Section 3-3: Declassification Policy, pp. 28955-28957

1. This section of the Executive Order could have considerable impact on OCR both in terms of service from machine or manual files, as well as service from the centralized document files. Because of the sticky issues of notification and marking after downgrading or declassifying information, it is our opinion that OCR should be cautious in assuming the responsibility for providing customers with material which accurately states its overall classification status.

We feel that it would be cheaper for OCR, if a preprinted cautionary notice to customers could be attached to information provided in response to reference inquiries. The notice would alert the customer to the need for verification of any reference that is used, including non-CIA references, against the the centralized file of declassification or downgrading actions in either of the DDA offices having responsibility for keeping

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computerized records on Agency declassification actions, i.e., Records Review Branch, ISAS, or Info and Privacy Staff or with outside agencies, when required.

Since most analysts write from fairly current source material, checking old records would be required infrequently. It would be cheaper to the Agency for analysts to check the declassification status of older references when needed than for OCR to try to get lists of reports from DDA and try to: a) identify the records in OCR files (because of poor source locator information in the DDA data bases) and b) undertake a rather massive file check and marking operation for documents which may never be requested.

If we should attempt to mark OCR document holdings, and particularly if we became responsible for providing accurate declassification information to customers, we must have accurate notification from both CIA and non-CIA agencies. In view of the problems associated with accurately documenting sources, we recommend against OCR's undertaking responsibility for marking any of its document

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holdings, except OCR-produced reports, as a result of declassification or downgrading actions.

F. Section 4-4 Reproduction Controls, p. 28958

According to paragraph 4-404, records must be maintained to show the number and distribution of reproduced copies of all Secret and Confidential documents with "special dissemination and reproduction limitations". We feel that these special controls and requirements should be clearly defined and possibly standardized. Much confusion could come from a literal reading of this paragraph, resulting in time-consuming record-keeping for reproduction of Secret and Confidential documents.

2. Many of the issues included in this memorandum impact on the draft OCR Guidelines on Classification, prepared by the Task Team in May 1978. We should wait to finalize those guidelines until some of these issues are resolved.